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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,247	09/30/2003	Theodore C. Tanner JR.	MSI-1348US	6389
22801 7590 01/28/2008 LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201				
			EXAMINER ALMEIDA, DEVIN E	
			ART UNIT 2132	PAPER NUMBER
			MAIL DATE 01/28/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/676,247	Applicant(s) TANNER ET AL.	
	Examiner Devin Almeida	Art Unit 2132	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 September 2007.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 and 11-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9 and 11-26 is/are allowed.
- 6) ☒ Claim(s) 27-33 is/are rejected.
- 7) ☒ Claim(s) 34-36 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This action is in response to the papers filed 9/21/2007. Claims 1, 15 and 27 have been amended. Claim 10 has been canceled. Currently claims 1-9 and 11-37 are under consideration.

#### ***Response to Arguments***

Applicant's arguments, with respect to 35 USC 12 have been fully considered and are persuasive.

Applicant's arguments with respect to claim 1 and 15 have been fully considered and are persuasive. Rhoads does not teach "performing a tree-search of a tree-like organizational structure which represents the multiple input signals of the omnibus signal to locate which of the multiple input signals has the embedded signal therein".

Applicant's arguments with respect to claim 1 and 15 have been fully considered and are persuasive. Katayama does not teach "performing a tree-search of a tree-like organizational structure which represents the multiple input signals of the omnibus signal to locate which of the multiple input signals has the embedded signal therein".

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 27- 33 and 37 are rejected under 35 U.S.C. 102(e) as being anticipated by Katayama et al. (U.S. Patent Application Publication # 2003/0063570).

With respect to claim 27 Katayama references teaches an embedded-signal detection system comprising a single embedded-signal detector configured to receive an omnibus mixed signal which includes multiple input signals that have been received from multiple different sources and mixed together (see paragraph 0139-0141 i.e. when the four input audio signals A' to D' are received by the data-detection apparatus the third operation means adds all four signals and outputs the detection-target signal. Next the detection-target signal that is output from the third operation means is input to the signal-detection means and the signal detection means uses a second key for example to detect (extract) the addition signal (WM)), wherein when the omnibus signal is received by the detector it is unknown whether at least one of the input signals includes an embedded signal therein (see paragraph 0139-0141), and wherein the detector is further configured to concurrently test the multiple input signals of the omnibus signal as a signal continuous stream which is to be examined for the presence of an embedded signal, to determine if at least one of the multiple input signals of the omnibus mixed signal includes an embedded signal therein (see paragraph 0139-0141 i.e. signal detection means uses a second key for example to detect (extract) the addition signal (WM)).

With respect to claim 28, the method further comprises locating one of the multiple input signals that has an embedded signal therein (see paragraph 0139-0141 i.e. signal detection means uses a second key for example to detect (extract) the addition signal (WM)).

With respect to claims 29, the multiple signals are passed through and consumed by one or more computer-executable program modules, the method further comprises locating one of the multiple input signals that has an embedded signal therein, the locating occurring within about thirty seconds or less of consumption of the located signal (see paragraph 0120-0186 i.e. "it takes a certain amount of time, for example 15 seconds, for the detection mean to detect the electronic signal).

With respect to claim 30, the method further comprises: locating one of the multiple input signals that has an embedded signal therein (see paragraph 0139-0141 i.e. signal detection means uses a second key for example to detect (extract) the addition signal (WM)).

With respect to claim 31, the method further comprises: locating one of the multiple input signals that has an embedded signal therein; generating a notification based upon the locating (see paragraph 0139-0141 i.e. signal detection means uses a second key for example to detect (extract) the addition signal (WM)).

With respect to claim 32, the method further comprises: locating one of the multiple input signals that has an embedded signal therein; impairing the located signal ((see paragraph 0139-0141 i.e. signal detection means uses a second key for example to detect (extract) the addition signal (WM)).

With respect to claim 33, the method further comprises: locating one of the multiple input signals that has an embedded signal therein; impairing one or more of the multiple input signals during the locating; when the one of the multiple input signals with an embedded signal therein is located by the locating, impairing only the located signal (see paragraph 0139-0141 i.e. signal detection means uses a second key for example to detect (extract) the addition signal (WM)).

With respect to claim 37, the type of the one or more the multiple input signals is selected from a group consisting of image, audio, video, multimedia, software, metadata, and data (see abstract).

### ***Allowable Subject Matter***

Claims 1-26 are allowable.

Claims 34-36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devin Almeida whose telephone number is 571-270-1018. The examiner can normally be reached on Monday-Thursday from 7:30 A.M. to

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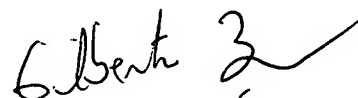
5:00 P.M. The examiner can also be reached on alternate Fridays from 7:30 A.M. to  
4:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron, can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DA

Devin Almeida  
Patent Examiner  
6/12/2007



GILBERTO BARRON JR  
SUPERVISORY PATENT EXAMINER  
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